

107TH CONGRESS  
2D SESSION

# H. R. 5639

To clarify the rights of United States citizenship and eligibility for Federal benefits for all enrolled members of the Kickapoo Tribe of Oklahoma and the Kickapoo Traditional Tribe of Texas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2002

Mr. WATKINS of Oklahoma introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To clarify the rights of United States citizenship and eligibility for Federal benefits for all enrolled members of the Kickapoo Tribe of Oklahoma and the Kickapoo Traditional Tribe of Texas, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Texas Band of Kick-  
5       apoo Act Amendments”.

### 6   **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) The Texas Band of Kickapoo is a subgroup  
2           of the Kickapoo Tribe of Oklahoma whose ancestors  
3           were forced to migrate from their ancestral lands in  
4           the Midwestern United States to lands now within  
5           the boundaries of Mexico and the States of Okla-  
6           homa and Texas.

7           (2) The migratory nature of the Kickapoos,  
8           which required their frequent travel between Okla-  
9           homa, Texas, and Mexico, resulted in lack of clarity  
10          in their rights of citizenship and their eligibility for  
11          Federal services which could be provided only to  
12          Kickapoos when they were on or near the reservation  
13          of the Kickapoo Tribe of Oklahoma in McLoud,  
14          Oklahoma.

15          (3) Although members of the Texas Band of  
16          Kickapoo lived primarily in Texas under conditions  
17          posing serious threats to their health, they owned no  
18          land in Texas and, therefore, were unable to obtain  
19          Federal services which the United States provides to  
20          other Indians who are members of federally recog-  
21          nized Indian tribes because of their status as Indi-  
22          ans.

23          (4) In 1983, the Texas Band of Kickapoo Act  
24          (25 U.S.C. 1300b–11 et seq.) was enacted to con-  
25          firm the United States citizenship of Kickapoos re-

1 siding in Texas and their eligibility for Federal serv-  
2 ices.

3 (5) Although many Kickapoos meet the require-  
4 ments for United States citizenship, some lack writ-  
5 ten records to prove that they do and have not been  
6 made aware that their right to apply for collective  
7 citizenship under the Texas Band of Kickapoo Act  
8 has expired. Amendment of the Immigration and  
9 Nationality Act is necessary to establish modified  
10 naturalization procedures to address the Kickapoos'  
11 eligibility for citizenship.

12 (6) The Kickapoo Tribe of Oklahoma acquired  
13 land in Maverick County, Texas, in order to provide  
14 for the delivery of Federal services to its tribal mem-  
15 bers in Texas, known as the Texas Band or sub-  
16 group of the Kickapoo Tribe of Oklahoma, and in  
17 turn, in 1986 such land was acquired in trust by the  
18 United States by trust deed "for the benefit of the  
19 Texas Band of Kickapoo, a subgroup of the Kick-  
20 apoo Tribe of Oklahoma".

21 (7) In 1989, some members of the Texas Band  
22 chose to form a separate governmental entity now  
23 known as the Kickapoo Traditional Tribe of Texas,  
24 while the remaining Texas Kickapoos continue to be

1 a subgroup of and have membership in the Kickapoo  
2 Tribe of Oklahoma.

3 (8) Since the early 1990s, disputes have arisen  
4 over whether beneficial ownership of the trust land  
5 in Maverick County, Texas, resides with the Kick-  
6 apoo Tribe of Oklahoma or with the Kickapoo Tradi-  
7 tional Tribe of Texas. For some tribal members, lack  
8 of clarity regarding ownership of the trust property  
9 has resulted in eviction from their homes and inabil-  
10 ity to receive services, contrary to the intent and  
11 goals of the Texas Band of Kickapoo Act.

12 (9) Both tribes require a land base in Texas to  
13 be able to provide services and housing for their re-  
14 spective tribal members. Only the Congress can clar-  
15 ify the beneficial ownership of Kickapoo reservation  
16 lands to ensure that both tribes have an appropriate  
17 land base in Maverick County, Texas.

18 (10) The respective members of the Kickapoo  
19 Tribe of Oklahoma and the Kickapoo Traditional  
20 Tribe of Texas deserve to have their United States  
21 citizenship confirmed and their ability to cross the  
22 borders of the United States clarified, and to receive  
23 all of the Federal services which the United States  
24 provides to Indians because of their status as Indi-  
25 ans.

1           (11) Beneficial title to land already held in  
2           trust by the United States pursuant to authority  
3           granted in the Texas Band of Kickapoo Act should  
4           be transferred from the Kickapoo Tribe of Oklahoma  
5           to the Kickapoo Traditional Tribe of Texas, and re-  
6           placement land in the State of Texas should be ac-  
7           cepted into trust by the United States to provide a  
8           home for those Texas Kickapoos who continue to be  
9           members of the Kickapoo Tribe of Oklahoma.

10 **SEC. 3. DEFINITIONS.**

11           Section 3 of the Texas Band of Kickapoo Act (25  
12 U.S.C. 1300b–12) is amended to read as follow:

13 **“SEC. 3. DEFINITIONS.**

14           “For the purposes of this Act, the following defini-  
15 tions apply:

16           “(1) TEXAS BAND.—The term ‘Texas Band’  
17           means the Texas Band of Kickapoo Indians, all  
18           members of which were part of the Kickapoo Tribe  
19           of Oklahoma as it existed prior to 1989 when a por-  
20           tion of the Band obtained Federal recognition as a  
21           governmental tribal entity separate from the Kick-  
22           apoo Tribe of Oklahoma.

23           “(2) KICKAPOO TRIBE OF OKLAHOMA.—The  
24           term ‘Kickapoo Tribe of Oklahoma’ means the Kick-  
25           apoo Tribe recognized by the United States pursu-

1 ant to the Treaty with the Kickapoo on December  
 2 9, 1809 (7 Stat. 117), and reorganized in 1938 as  
 3 the Kickapoo Tribe of Oklahoma pursuant to the  
 4 Oklahoma Indian Welfare Act.

5 “(3) KICKAPOO TRADITIONAL TRIBE OF  
 6 TEXAS.—The term ‘Kickapoo Traditional Tribe of  
 7 Texas’ means the Kickapoo Tribe administratively  
 8 recognized in 1989 pursuant to Federal authorities  
 9 granted in the Texas Band of Kickapoo Act.

10 “(4) KICKAPOO TRIBES.—The term ‘Kickapoo  
 11 Tribes’ means the Kickapoo Tribe of Oklahoma and  
 12 the Kickapoo Traditional Tribe of Texas.

13 “(5) SECRETARY.—The term ‘Secretary’ means  
 14 the Secretary of the Interior.”.

15 **SEC. 4. MEMBERSHIP ROLLS; CITIZENSHIP ELIGIBILITY.**

16 (a) UPDATING MEMBERSHIP ROLLS; COMPILATION  
 17 OF CITIZENSHIP ELIGIBILITY LISTS.—Section 4 of the  
 18 Texas Band of Kickapoo Act (25 U.S.C. 1300b–13) is  
 19 amended to read as follows:

20 **“SEC. 4. MEMBERSHIP ROLLS; CITIZENSHIP ELIGIBILITY.**

21 “(a) UPDATING MEMBERSHIP ROLLS; COMPILATION  
 22 OF CITIZENSHIP ELIGIBILITY LISTS.—In consultation  
 23 with the Secretary, the Kickapoo Tribe of Oklahoma and  
 24 the Kickapoo Traditional Tribe of Texas each shall update  
 25 the membership roll of such tribe’s tribal members and

1 shall compile a list of its tribal members who reside per-  
2 manently in the United States but were not born in the  
3 United States and are not otherwise a citizen or national  
4 of the United States. When such membership roll is up-  
5 dated, and such citizenship eligibility list is compiled, the  
6 Secretary shall promptly publish notice in the Federal  
7 Register announcing the completion of the citizenship eli-  
8 gibility list and shall provide a copy of such list to the  
9 Attorney General for use in approving applications for cer-  
10 tificates of citizenship pursuant to section 341(c) of the  
11 Immigration and Nationality Act (8 U.S.C. 1452(c)).

12 “(b) BORDER CROSSING RIGHTS.—Notwithstanding  
13 the Immigration and Nationality Act (8 U.S.C. 1101 et  
14 seq.) or any other law, any individual who was entitled  
15 to enter the United States under this section, as in effect  
16 on the day before the date of the enactment of the Texas  
17 Band of Kickapoo Act Amendments, shall continue to  
18 have such right until the earlier of—

19 “(1) the date on which a final determination is  
20 made on an application timely filed by the individual  
21 pursuant to section 341(c) of the Immigration and  
22 Nationality Act (8 U.S.C. 1452(c)); or

23 “(2) the end of the final 2-year application pe-  
24 riod described in paragraph (3) of such section  
25 341(c).”.

1       (b) CITIZENSHIP.—Section 341 of the Immigration  
2 and Nationality Act (8 U.S.C. 1452) is amended by add-  
3 ing at the end the following:

4       “(c)(1) An individual who is described in paragraph  
5 (2) and satisfies the requirements of paragraphs (3) and  
6 (4) may be issued a certificate of citizenship. Upon proof  
7 to the satisfaction of the Attorney General that the indi-  
8 vidual is so eligible, and upon taking and subscribing be-  
9 fore a member of the Service within the United States to  
10 the oath of allegiance required by this Act of an applicant  
11 for naturalization, such individual shall be furnished by  
12 the Attorney General with a certificate of citizenship.

13       “(2) An individual is described in this paragraph if  
14 the name of the individual appears on a citizenship eligi-  
15 bility list provided to the Attorney General pursuant to  
16 section 4 of the Texas Band of Kickapoo Act (25 U.S.C.  
17 1300b–13) because such individual—

18               “(A) is of Kickapoo descent;

19               “(B) is a member of—

20                       “(i) the Kickapoo Tribe of Oklahoma (as  
21 defined in section 3 of the Texas Band of Kick-  
22 apoo Act (25 U.S.C. 1300b–12)); or

23                       “(ii) the Kickapoo Traditional Tribe of  
24 Texas (as so defined);

1           “(C) was born outside the United States and its  
2           outlying possessions;

3           “(D) resides permanently in the United States;  
4           and

5           “(E) is not otherwise a citizen or national of  
6           the United States.

7           “(3) An individual described in paragraph (2) may  
8           apply to the Attorney General for a certificate of citizen-  
9           ship under this subsection only during a 2-year period  
10          commencing on the date following publication, pursuant  
11          to section 4 of the Texas Band of Kickapoo Act (25 U.S.C.  
12          1300b–13), of the notice of completion of a citizenship eli-  
13          gibility list on which the name of the applicant appears.

14          “(4) The Attorney General may not grant an applica-  
15          tion for a certificate of citizenship under this subsection  
16          unless the applicant is, and has been during the 5-year  
17          period immediately preceding the filing of the application,  
18          a person of good moral character.”.

19       **SEC. 5. LAND ACQUISITION.**

20          Section 5 of the Texas Band of Kickapoo Act (25  
21          U.S.C. 1300b–14) is amended to read as follows:

22       **“SEC. 5. LAND ACQUISITION.**

23          “(a) **APPLICABILITY OF THE INDIAN REORGANIZA-**  
24          **TION ACT.**—The Secretary is authorized to exercise au-  
25          thority under section 5 of the Act of June 18, 1934 (25

1 U.S.C. 465; popularly known as the Indian Reorganization  
2 Act), for the Kickapoo Tribe of Oklahoma and the Kick-  
3 apoo Traditional Tribe of Texas with respect to lands in  
4 Maverick County, Texas, only.

5 “(b) RELINQUISHMENT OF TRUST TITLE.—

6 “(1) IN GENERAL.—The Secretary is hereby di-  
7 rected to allow the Kickapoo Tribe of Oklahoma,  
8 upon its request, to relinquish its claim to beneficial  
9 title to the land described in paragraph (2) of this  
10 subsection in exchange for the replacement land de-  
11 scribed in subsection (c).

12 “(2) LAND DESCRIPTION.—Lands referred to in  
13 paragraph (1) are those lands known as the Kick-  
14 apoo Reservation, legal title to which is held in trust  
15 by the United States, and described as being all that  
16 certain lot, tract, or parcel of land lying and being  
17 situated in the County of Maverick, State of Texas.  
18 Such lands are more particularly described as fol-  
19 lows: Being 125.43 acres lying and situated in said  
20 Maverick County, Texas, and being 42.07 acres out  
21 of survey 20, Abstract 723 and 83.36 acres out of  
22 Survey 21, Abstract 811; said acreage being the  
23 same land conveyed from the Veteran’s Land Board  
24 of Texas to Arthur Meixner as said conveyance is re-  
25 corded in volume 51, page 288 of the Maverick

1 County Deed Records, as more particularly de-  
2 scribed in that certain deed recorded in Book 238,  
3 pages 324–326 of the Maverick County Deed  
4 Records.

5 “(c) TRUST STATUS FOR REPLACEMENT LANDS.—

6 “(1) IN GENERAL.—No later than 60 days after  
7 the relinquishment of trust title as provided in sub-  
8 section (b), the Secretary shall accept all right, title,  
9 and interest of the Kickapoo Tribe of Oklahoma in  
10 and to the land described in paragraph (2) as re-  
11 placement land and take that land into trust for the  
12 benefit of the Kickapoo Tribe of Oklahoma if—

13 “(A) the Kickapoo Tribe of Oklahoma so  
14 requests;

15 “(B) there are no adverse legal claims on  
16 such property, including outstanding liens,  
17 mortgages, or taxes owed; and

18 “(C) the land described in subsection  
19 (b)(2) is no longer held in trust by the United  
20 States for the benefit of the Kickapoo Tribe of  
21 Oklahoma.

22 “(2) LAND DESCRIPTION.—Lands referred to in  
23 paragraph (1) are described as follows:

24 “(A) The Surface estate only in and to the  
25 following described property to wit: being all

1           that certain tract or parcel of land together  
2           with all improvements thereon, and being 173.0  
3           acre tract of land, out of survey 56, abstract  
4           778 and survey 57, abstract 782, in Maverick  
5           County, Texas, and being a part of 2,460.6607  
6           acre tract recorded in vol. 425, page 393, offi-  
7           cial public records of Maverick County, Texas,  
8           as more particularly described in that certain  
9           deed recorded in said Maverick County, Texas,  
10          as Document Number 108772 in Book 663,  
11          page 243–244.

12                 “(B) The Surface estate only in and to the  
13           following described property to wit: being all  
14           that certain tract or parcel of land together  
15           with all improvements thereon, and being 200.0  
16           acre tract of land, out of survey 57, survey 58  
17           and survey 13, in Maverick County, Texas, and  
18           being a part of 2,460.6607 acre tract recorded  
19           in vol. 425, page 393, official public records of  
20           Maverick County, Texas, as more particularly  
21           described in that certain deed recorded in said  
22           Maverick County, Texas, as Document Number  
23           108910 in Book 664, page 335–339.”.

1 **SEC. 6. JURISDICTION.**

2 Section 6 of the Texas Band of Kickapoo Act (25  
3 U.S.C. 1300b–15) is amended by striking “Band’s trust  
4 lands” and inserting “lands held in trust in Maverick  
5 County for the Kickapoo Tribe of Oklahoma and for the  
6 Kickapoo Traditional Tribe of Texas,”.

7 **SEC. 7. PROVISION OF FEDERAL INDIAN SERVICES.**

8 Section 7 of the Texas Band of Kickapoo Act (25  
9 U.S.C. 1300b–16) is amended—

10 (1) by amending subsection (a) to read as fol-  
11 lows:

12 “(a) ELIGIBILITY FOR FEDERAL INDIAN SERV-  
13 ICES.—Notwithstanding any other provision of law au-  
14 thorizing the provision of special programs and services  
15 by the United States to Indians because of their status  
16 as Indians, the Kickapoo Tribe of Oklahoma and the Kick-  
17 apoo Traditional Tribe of Texas, and their respective  
18 members who reside in Maverick County, Texas, shall be  
19 eligible for such programs and services without regard to  
20 the existence of a reservation, residence on or near a res-  
21 ervation, or the compilation of the Membership Rolls pur-  
22 suant to 25 U.S.C. 1300b–13(a).”; and

23 (2) in subsection (b)—

24 (A) by inserting after “(b)” the following:

25 “CONSULTATION WITH MEXICAN GOVERN-  
26 MENT.—”; and

1                   (B) by striking “the Band and its mem-  
2                   bers” and inserting “the Kickapoo Tribes and  
3                   their respective tribal members”.

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